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Article 5

In cases where an agency desiring to request a ruling is subordinate to a superior agency, the petition should be forwarded through the superior agency. If the petition does not conform to the prescribed regulations, it should not be forwarded. The same applies to matters which lie within the province of the superior agency itself to decide.

Article 6

The petition for a ruling should be in writing and should clearly state the particulars of the matter in question, and, when necessary, be accompanied by proper documents.

Article 7

Petitions should be assigned a number in the order of their receipt, and the particulars of each case to be dealt with at a session of the Council are to be incorporated into the syllabus of particulars prepared for its attention.

Article 8

When the Council has received a petition for a ruling, the case shall be assigned, in the order of its receipt number, to one of the Grand Justices for examination, who shall prepare for the Council's consideration a draft of the proposed ruling or such other communication as he deems fit. If after consideration the Council decides to refer it back for further examination, it shall be assigned to several Grand Justices, with one of them designated as convener, who shall prepare a report for discussion by the full Council. With reference to the above-mentioned examination of cases, if the Council consider a case to be of urgent importance, it may designate a date by which time the report of the examining member(s) shall be presented.

Article 9

Matters mentioned in Article 114 of the Constitution to which the procedure for handling petitions for rulings is not applicable shall nevertheless be numbered in order of receipt of the communication, and the particulars regarding same shall be entered in the syllabus of particulars. The Council shall decide in each case whether it shall be dealt with by the Council as a whole or referred to one or more Grand Justices for examination, and they may set a time limit for the submission of the report of the examination.

Article 10

When the report of examination of a case is finished, printed copies of the report and all relevant documents shall be made, and supplied to the Chairman and each member of the Council five days prior to the date of the Council session.

Article 11

The President of the Judicial Yuan shall preside at sessions of the Council of Grand Justices. If the President of the Yuan is unable to preside, the justices shall elect one of their number to serve as presiding officer pro tem.

Article 12

A quorum for a session of the Council of Grand Justices shall be more

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than one half of the full number of justices. A vote of more than one half of the number of grand justices present at a session is required to effect a decision. In case of a tie, the deciding vote shall be cast by the presiding officer. But in cases of interpretation of the Constitution, or of a ruling where legal enactments or local self-government ordinances are in conflict with the Constitution, a majority vote of the full number of Grand Justices is required to effect a decision.

Article 13

When so voted by the Council, the method of voting upon an important decision shall be by secret ballot.

Article 14

The consideration of cases in Council shall follow the order of their appearance in the syllabus of particulars, unless otherwise voted by the Council.

Article 15

The Secretary-General of the Judicial Yuan shall be present at all meetings of the Council of Grand Justices.

Article 16

The President of the Judicial Yuan shall appoint functionaries to be expressly responsible for recording the minutes of the Council sessions, for the preparation of documentary material, and for any other matters pertaining to the work of the Council.

Article 17

The Council of Grand Justices, through the Judicial Yuan, may request from other agencies involved documents for examination or expressions of opinions, and in case of need, the presence of a representative(s) in the Council session.

Article 18

The Council of Grand Justices shall meet in session once every two weeks; in case of need they may meet in extraordinary session.

Article 19

Strict secrecy shall be maintained with respect to the assignments for examination, discussions, and other matters that transpire in the course of handling cases of rulings.

Article 20

After the Council of Grand Justices has made a ruling, its decision shall be published by the Judicial Yuan and the petitioning party notified.

Article 21

These by-laws shall become effective from the day of adoption by the Council of Grand Justices and publication by the Judicial Yuan.

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Publication Order

Judicial Yuan Order (37) Hsien Yuan Ts'an Tzu No 439

16 September 1948

The publication of the enactment of the by-laws of the Council of Grand Justices of the Judicial Yuan is hereby ordered.

(Signed) Wang Ch'ung-hui
President of the Judicial Yuan

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